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August 26, 2008

VIA FACSIMILE TO (212) 805-7906

Honorable Denny Chin
United States District Court for the
Southern District of New York
500 Pearl Street, Room 1020
New York, New York 10007

Re: Demetrius Wright, Louis Velez v.
Brae Burn Country Club, Inc.,
Steven Vando and Maria Conte
Civil Action No.: 08 CIV 3172(DC)


Dear Judge Chin:

We represent the Defendants, Brae Burn Country Club, Inc., Steven Vando, and Maria Conte in the above-captioned matter.

In accordance with Your Honor's individual rules, Defendants request permission to file a Motion for Sanctions Pursuant to Federal Rule of Civil Procedure 11 ("Rule 11") and 28 U.S.C. § 1927. Defendants have complied with Rule 11, as they served a copy of the proposed motion on Attorney Wims on August 5, 2008. Attorney Wims has had at least 21 days to consider this motion, but has refused to voluntarily withdraw the Second Amended Complaint.

In the event Your Honor allows Defendants to file the motion, Defendants also respectfully request that they be permitted to file under seal portions of the motion referencing to a confidential settlement agreement.

Respectfully submitted,


Peter M. Panken

cc: David C. Wims, Esq. (via email)

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*Defendants may file
their sanctions motion
on or before 9/12/08.
Plaintiffs' opposition papers
are to be served and filed
on or before 9/29/08. Reply
papers shall be served and
filed by 10/6/08.
Portions relating to the
confidential settlement
agreement may be filed
under seal.*

*SO ORDERED.
WPTJ
8/28/08*